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CITY AND COUNTY OF SAN FRANCISCO

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 CLIFFORD COOK,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
FRANCISCO, ANTONIO FLORES,
DON SLOAN, MARSHA ASHE, and
DOES 1-50, inclusive,

17 Defendants.

18 Case No. C 07 2569 CRB

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28 **STIPULATION AND [PROPOSED]
ORDER TO VACATE MAY 15, 2007
ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND
ADR DEADLINES AND TO ISSUE
NEW ORDER RESETTING ALL
DEADLINES**

Trial Date: None set
Date Action Filed: May 15, 2007

1 Plaintiff Clifford Cook and Defendant City and County of San Francisco (the "Parties")
 2 hereby stipulate and respectfully request that the Court vacate the May 15, 2007 Order Setting Initial
 3 Case Management Conference and ADR Deadlines, and issue a new Order continuing all those
 4 deadlines. Good cause exists for the Court to vacate the Order and issue a new order for the
 5 following reasons:

6 First, the Complaint was filed on May 15, 2007. However, the Summons, Complaint, and
 7 accompanying papers were not served on the City until July 30, 3007. The City has not responded to
 8 the Complaint.

9 Second, on May 15, 2007, the Court issued an Order Setting Initial Case Management
 10 Conference and ADR Deadlines. According to the Order, the last day for the Parties to meet and
 11 confer regarding initial disclosures, early settlement, ADR process, and discovery plan; and to file a
 12 joint ADR certification is August 3. Given the delayed service of the Summons and Complaint, and
 13 the fact that no responsive pleading has been filed, the Parties cannot engage in a meaningful meet
 14 and confer regarding discovery and ADR. Therefore, the Parties will be unable to meet this deadline.

15 For the above reasons, the Parties agree that all the deadlines set forth in the May 15 Order
 16 should be continued. Accordingly, the Parties hereby jointly and respectfully request that the Court:

17 (1) Vacate the May 15, 2007 Order Setting Initial Case Management Conference and
 18 ADR Deadlines in its entirety; and

19 (2) Issue a new order continuing all the deadlines from the date of the newly issued order.

20 Dated: Respectfully submitted,

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 22 City Attorney
 23 ELIZABETH S. SALVESON
 24 Chief Labor Attorney
 25 MARGARET W. BAUMGARTNER
 26 ADELMISE ROSEMÉ WARNER
 27 Deputy City Attorneys

28 By: _____ /S/
 29 ADELMISE ROSEMÉ WARNER

30 Attorneys for Defendant
 31 CITY AND COUNTY OF SAN FRANCISCO

1 Dated: THE SCOTT LAW FIRM
2

3 By: _____/S/ _____
4 LIZABETH DEVRIES

5 Attorney for Plaintiff
6 CLIFFORD COOK
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1 [PROPOSED] ORDER
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3 **GOOD CAUSE APPEARING, THE COURT HEREBY ORDERS AS FOLLOWS:**
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5 1. The May 15, 2007 Order Setting Initial Case Management Conference and ADR
6 Deadlines is hereby **VACATED** in its entirety;
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8 2. The Court will issue a new Order Setting Initial Case Management Conference and
9 ADR Deadlines; and
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11 3. Plaintiff is to serve copies of the new Order, when issued, on all Defendants.

12 Dated: _____

13 HON. CHARLES R. BREYER
14 UNITED STATES DISTRICT JUDGE
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